

## A MOVING TARGET

BY R. PEGGY SMITH

The Drug Offender Sentencing Alternative (DOSA) was first passed by the Washington State Legislature in 1995. DOSA was then revised in 1999 and is sometimes referred to as DOSA 2. Last Legislative Session another major revision to DOSA was enacted. What is now being called DOSA 3 will be implemented in October 2005.

Before moving on to DOSA 3, we have taken the opportunity to compile statistics related to DOSA 2 (hereafter, referred to as DOSA). The highlights of a more extensive statistical summary that covers DOSA sentences from August 1999 through July 2004— see the Web Site of the Month – are presented here.

Eligibility requirements for offenders sentenced under DOSA include:

- Conviction of a felony in which the Superior Court judge determines chemical dependency as a factor in the offense, but can not be a violent or sex offense or a weapons enhancement.
- The offender can not have prior violent or sex offenses. This includes out-of-state and juvenile convictions.
- The offender is convicted for a violation of the Uniform Controlled Substances Act (RCW 69.50) and the judge determines that the drug quantity was small.
- The offender is not subject to a deportation order.

DOSA allows a judge to waive a sentence within the standard range and impose a sentence that is one half of the midpoint of the standard range.

- While in prison, offenders sentenced under DOSA undergo a substance abuse evaluation and participate in chemical dependency treatment.
- DOSA offenders released from prison serve the remainder of the midpoint of the sentence on community custody. While on community custody, DOSA offenders must participate in a chemical dependency program, obey all crime-related prohibitions ordered by the judge, and submit to urinalysis testing.
- If an offender violates any of the conditions of the sentence, the Department of Corrections holds a violation hearing. Offenders found guilty of a violation can have the DOSA sentences revoked and must serve the remainder of the sentence in prison. There were a total of 7,258 DOSA sentences from August 1999 to July 2004.

The average age of a DOSA offender was 33.2 years old at admission, which was also the average age of offenders admitting to prison during Fiscal Year 2004.

Seventy-nine (79) percent of DOSA offenders were males and 21 percent were females. This compares with males making up 86 percent of overall admissions to prison in Fiscal Year 2004 and females being only 14 percent of overall admissions that year.

There is a slight difference in race distribution of offenders sentenced to DOSA, compared to all offenders admitted to prison in Fiscal Year 2004.

DOSA offenders were 69 percent white, compared to 71 percent of all admitted in Fiscal Year 2004.

DOSA offenders were 24 percent black, compared to 21 percent of all admitted in Fiscal Year 2004.

DOSA offenders were 7 percent other races, compared to 8 percent of all admitted in Fiscal Year 2004.

Offenders sentenced under DOSA do not necessarily



## FOR YOUR INFORMATION..

### PUBLICATION OF THE MONTH

Aos, Steve, Polly Phipps, Robert Barnoski (2005) "Washington's Drug Offender Sentencing Alternative: an Evaluation of Benefits and Costs." The Washington State Institute for Public Policy

### WEB SITE OF THE MONTH

<http://www.doc.wa.gov/BudgetAndResearch/studies.htm>

### DEFINITION OF THE MONTH

Revoke: To call back - To nullify by withdrawing, recalling, or reversing.

### DOC MONTHLY STATISTICS AS OF AUGUST 31, 2005

<b>CONFINEMENT POPULATION</b> .....	<b>17,697</b>
Total Confinement .....	15,507
Work Release .....	686
In State Rented Beds .....	735
Out of State Rented Beds .....	769
<b>COMMUNITY CORRECTIONS POPULATION</b>	
<b>ACTIVE SUPERVISION</b> .....	<b>26,880</b>
RMA .....	8,193
RMB .....	7,145
RMC .....	2,240
RMD .....	7,816
Unclassified .....	1,486
<b>MONETARY</b> .....	<b>105</b>
<b>INACTIVE STATUS</b> .....	<b>15,306</b>

### ESCAPES FROM SECURITY LEVELS 2-5, FOR FY06

Date	Type	Return
No escapes to date this fiscal year.		

### TO CONTACT PLANNING AND RESEARCH

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have to be convicted of a drug offense. However, 64 percent of the DOSA sentences were for drug offenses, 30 percent were for property offenses, and 6 percent were for person offenses.

Through July 31, 2004, 4,032 DOSA releases had been recorded. The average time served in prison for these DOSA sentences was 9.4 months. The average length of stay for all offenders released in Fiscal Year 2004, after having served their prison sentences, was 21 months.

DOSA offenders can return to prison for several reasons. First, the offender can return to prison to serve the time remaining on the sentence when the DOSA sentence was revoked due to a technical violation. Second, the offender can return to prison because the DOSA sentence was revoked in addition to the offender having received a new felony conviction. Finally, an offender can return to prison for a new felony conviction with no sentence revocation.

Within one year of release, 861 DOSA offenders, or 21.4 percent, returned to prison:

- 8.2 percent were for a technical revocation,
- 8.1 percent were for a revoke with a new felony conviction,
- 5.1 percent had only a new felony.

The reasons for DOSA offenders' returning to prison has shifted markedly from 2000 to 2004.